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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,786	12/16/2003	Bruce E. McLean	A432 0002	3990
720	7590	06/11/2004	EXAMINER	
OYEN, WIGGS, GREEN & MUTALA 480 - THE STATION 601 WEST CORDOVA STREET VANCOUVER, BC V6B 1G1 CANADA			JULES, FRANTZ F	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 06/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/735,786

Applicant(s)

MCLEAN ET AL.

Examiner

Frantz F. Jules

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12 and 15-18 is/are rejected.
- 7) ☒ Claim(s) 10, 11, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/16/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 18, line 2, the phrase "a stud receiving hole" is confusing as it is unclear how it relates to previously recited stud receiving holes in claim 1.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5-6, 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Okamoto et al (JP 200120601A).

Claims 1-3, 5-6, 16-18

Okamoto et al disclose a wheel cover assembly for fitting to the exterior of a vehicle hub which is mounted on a vehicle axle comprising a wheel cover disk (19); a hub arm (13) which is removably attachable in an axial direction to the interior face of the wheel cover disk; a weight (29) which is connected to the base of the hub arm; a base plate (8)

Art Unit: 3617

which has stud receiving holes formed therein for removable connection to the vehicle hub, the base plate being rotatably connected to the hub arm.

At least one guide member (18) located on the inside face of the wheel cover disk, the member cooperating with a corresponding guide member formed in the hub arm in a manner which ensures that the cover disk is fitted to the hub arm in only one position as shown in fig. 3 in accordance with claim 2.

The interior face of the wheel cover disk includes at least two guide members (18) which are protrusions which fit into corresponding guide member receptacles in the hub arm as shown in fig. 3 in accordance with claim 3.

At least one spacer member (32) is positioned between the cover disk and the hub arm, see fig. 13 in accordance with claim 16. In addition to at least one hole insert (27) which can be inserted into a stud receiving hole as recited in claim 18.

A directional arrow (20) is positioned on the wheel cover disk as shown in fig. 10 in accordance with claim 17.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 4, 7-9, 12, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Okamoto et al (US 6, 120,104).

Claims 1-2, 4, 7-9, 12, 15

Okamoto et al disclose a wheel cover assembly for fitting to the exterior of a vehicle hub which is mounted on a vehicle axle comprising a wheel cover disk (7); a hub arm (6) which is removably attachable in an axial direction to the interior face of the wheel cover disk; a weight (20) which is connected to the base of the hub arm either fixed as in fig. 1 or rotatably as in fig. 65; a base plate (4) which has stud receiving holes (9) formed therein for removable connection to the vehicle hub, the base plate being rotatably connected to the hub arm.

At least one guide member (22) located on the inside face of the wheel cover disk, the member cooperating with a corresponding guide member (15) formed in the hub arm in a manner which ensures that the cover disk is fitted to the hub arm in only one position as shown in fig. 1 in accordance with claim 2.

The base plate (4) being connected to the hub arm (6) by a shaft (17) which fits within a rotatable bearing which is formed in an interior region of the hub arm and enables the base plate, base connection and bearing shaft to rotate relative to the hub arm and the cover disk as disclosed in col 4, lines 40-41 in accordance with claims 4 and 7.

The assembly includes on the cover disk or the hub arm a position member (22) that ensures that the cover disk and the hub arm can be secured together in only one position.

Allowable Subject Matter

7. Claims 10-11, 13-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims. None of the references of record suggests the claim subject matter of claims 10-11, 13-14.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Parks and Threadgill are cited to show related wheel cover comprising a directional arrow on the wheel cover disk.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 308-8780. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

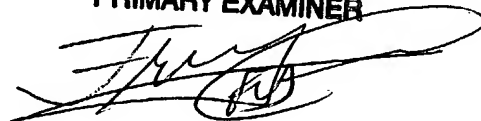
Art Unit: 3617

Frantz F. Jules
Primary Examiner
Art Unit 3617

FFJ

June 3, 2004

FRANTZ F. JULES
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Frantz F. Jules', written over the printed name and title.